

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ELI LILLY AND COMPANY,)
Plaintiff,)
v.) Civil Action No. 1:12-cv-00086-TWP-DKL
ACCORD HEALTHCARE, INC.,) (consolidated)
APOTEX, INC. and APOTEX CORP.,)
Defendants.)

**APOTEX'S RESPONSE TO THE COURT'S ORDER ON APOTEX'S MOTION FOR
LEAVE TO FILE UNDER SEAL EXHIBIT 1 TO APOTEX'S UNOPPOSED MOTION
FOR LEAVE TO SUPPLEMENT ITS PRELIMINARY INVALIDITY CONTENTIONS**

Defendants, Apotex, Inc. and Apotex Corp. (collectively, "Apotex"), by counsel, submit their response to the Court's Order on Apotex's Motion for Leave to File Under Seal Exhibit 1 to Apotex's Unopposed Motion for Leave to Supplement Its Preliminary Invalidity Contentions [Dkt. 66], and in support thereof, state as follows:

Apotex moved to file Exhibit 1 to Apotex's Unopposed Motion for Leave to Supplement Its Preliminary Invalidity Contentions under seal because Exhibit 1 contained material that Plaintiff Eli Lilly and Company ("Lilly") designated as "confidential" under the Stipulated Protective Order [Dkt. 59], as well as Apotex proprietary business information. Apotex no longer maintains that Exhibit 1 contains Apotex proprietary business information. Exhibit 1 does, however, contain information that Lilly has designated as "confidential."

Attached hereto as Exhibit A is a redacted version of Exhibit 1. The redacted portions contain information derived from documents that Lilly has designated as "confidential" under the Stipulated Protective Order. Lilly has confirmed to Apotex that it wishes to maintain its

"confidential" designation with respect to the redacted portions. Because Apotex has no knowledge of Lilly's basis for maintaining this material as "confidential", Lilly is the appropriate party to respond to this Court as to why the redacted portions meet the requirements to be maintained under seal.

Respectfully submitted,

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Counsel for Defendants, Apotex, Inc. and Apotex Corp.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July, 2013, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's ECF. Parties may access this filing through the Court's system:

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